

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 2-20 are pending in this application. No claims are amended, added, or canceled by this Request for Reconsideration. Applicants respectfully submit that all pending claims in this application are patentable over the cited references.

In the Office Action mailed December 11, 2008, the Examiner rejected claims 2-7, 10, 12, and 16 under 35 U.S.C. § 102(b) as being anticipated by EP 0930641 A2 to Kiguchi et al. ("Kiguchi"). Under 35 U.S.C. § 103(a), the Examiner rejected claims 8, 9, 11, 13-15, and 17-20 as being unpatentable over Kiguchi in view of U.S. Patent No. 6,655,791 to Crockett et al. ("Crockett"). To the extent that these rejections might still be applied to the claims currently pending, Applicants respectfully traverse the rejections.

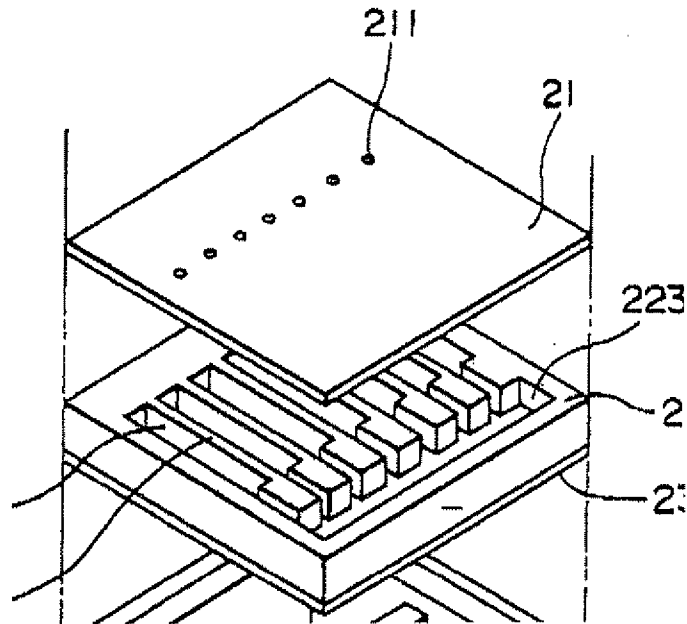
Applicants respectfully submit that the Examiner's rationale supporting the rejections based on Kiguchi is in error and ignores the claim language. Each of the independent claims 2, 12, and 18 recite, *inter alia*, "a tubular dispensing means disposed horizontally and provided with [a number of] lateral outlet openings" (bracketed text in claims 12 and 18). Kiguchi does not disclose these features, rendering all of the claims patentable over the cited references. Applicants respectfully request withdrawal of or, at the least, clarification of the Examiner's position with respect to, the rejections.

Kiguchi discloses in Figures 18 and 19 a rectangular ink-jet print head having several nozzles (211) configured to dispense ink. Clearly, the print head of Kiguchi is not tubular. The Examiner appears to refer to the individual circular nozzles having "some depth" in order to read

the print head of Kiguchi on the present claims (page 5, paragraph 1 of the final Office Action mailed December 11, 2008). This interpretation, however, lacks merit. In particular, the claims recite “a tubular dispensing means . . . provided with lateral outlet openings.” Kiguchi, on the other hand, discloses a *rectangular* dispensing means with openings. The nozzles of Kiguchi cannot be considered to simultaneously correspond to two claim elements, *i.e.*, the tubular dispensing means *and* the lateral openings. To do so would violate the fundamental tenet of patent law that a reference must disclose each claim element: “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131.

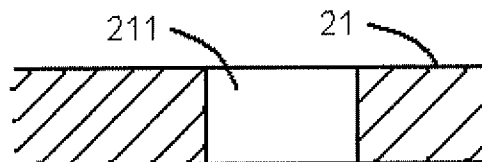
Applicants further respectfully submit that the Examiner's rationale in support of the rejections of claims 10 and 16 is also flawed. In particular, claims 10 and 16 recite, *inter alia*, that “the tubular dispensing means has a circular outer periphery in vertical cross-section.” In support of the rejection, the Examiner simply states that “nozzle 211 [of Kiguchi] has circular outer periphery in vertical cross-section” and refers to Figures 18 and 19 of Kiguchi. Kiguchi simply does not disclose these features and it is entirely unclear how the Examiner considers Kiguchi to do so. If a vertical cross-section were taken of nozzles 211 of Kiguchi, the outer periphery would be rectangular, not circular. Further, the Examiner may not consider the term “vertical” to be arbitrary since the independent claims from which claims 10 and 16 (claims 2 and 12) depend define a horizontal direction along which the tubular dispensing means is disposed.

The below figure is a portion of Figure 18 of Kiguchi, showing the nozzles 211:



Portion of Figure 18 of Kiguchi

As is clearly seen, if a vertical cross-section were taken of the nozzles, a rectangular shape would result, such as that shown below:



In contrast to the device of Kiguchi, the present invention provides for a tubular dispensing means that has lateral outlet openings thereon to apply a liquid onto a substrate, as recited in claims 2, 12, and 18. As discussed above, the independent claims recite this structure and are patentable over Kiguchi for at least these reasons. In addition, embodiments of the present invention include a *horizontally disposed* tubular dispensing means *having a circular outer periphery in vertical cross-section*, as recited in claims 10 and 16. For those additional

Serial No.: 10/514,424
Art Unit: 1792
Inventor: Rudolf Peter MUIS et al.

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reasons, Applicants respectfully submit that claims 10 and 16 also recite patentable subject matter and are allowable over Kiguchi.

Accordingly, reconsideration and withdrawal of the rejections of all pending claims are respectfully requested.

In view of the foregoing, all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicants' undersigned representative at the number listed below.

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Date: March 11, 2009

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